

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30248 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- GOPALPUR District- Bhagalpur

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Rana Mandal @ Ranjit Mandal Son Of Sri Lalu Mandal @ Laljee Mandal
Resident Of Village - Simariya, P.S.- Rangra (OP), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30560 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- GOPALPUR District- Bhagalpur

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Gyani @ Sushil Kumar Son Of Sahdev Mandal Resident of Village - Simaria
Bhimdas Tola, P.s.- Rangra, OP Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30248 of 2022)

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 30560 of 2022)

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Let the defects, if any, be removed within four
weeks from today.

With the consent of learned counsel for the
petitioners as well as learned Additional Public Prosecutor
for the State, both the matters are being heard together and
disposed of by this common order.



Petitioners seek bail in a case registered in connection with Gopalpur (Rangra O.P.) P.S. Case No. 328 of 2020 for the offences punishable under Sections 30(A) of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the police on a secret information conducted raid on different places and it is alleged that from Basa of petitioner (in Cr. Misc. No. 30248 of 2022) total 3200 liters of half processed country made liquor, other utensils and apparatus as well as 25 liters country made liquor was recovered. It is also alleged that one motorcycle was also recovered from the said Basa. So far as the petitioner in Cr. Misc. No. 30560 of 2022 is concerned, it is alleged that from Basa of said petitioner 200 liters semi prepared country made liquor and 22 liters Mahua liquor was recovered.

Learned counsel for the petitioners submits that the petitioners were neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioners. It is further submitted that the Basa do not belong to the petitioners and moreover, petitioners have neither any concerned with the illicit



liquor nor any other incriminating material suggesting the complicity of the petitioners. It is lastly submitted that petitioners are in custody since 03.12.2021 and 02.12.2021 respectively and moreover, other co-accused persons have identical allegation have already been granted bail by the learned co-ordinate Bench of this Court.

On the other hand, learned counsel for the State opposed the bail application of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners were neither arrested on the spot nor any incriminating material have been recovered and moreover, the petitioners have neither any concern with the Basa nor the illicit liquor and they are in custody for more than 8 months, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I cum Special Judge, Excise, Bhagalpur in connection with Gopalpur (Rangra O.P) P.S.Case No. 328 of 2020 subject to the condition that one of the bailors will be the close relatives of the



petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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